

### **IC 34-12-3**

#### **Chapter 3. Legal Actions Involving Firearms and Ammunition Manufacturers, Trade Associations, and Sellers**

### **IC 34-12-3-0.1**

#### **Application of chapter**

Sec. 0.1. The addition of this chapter by P.L.19-2001 applies only to actions filed after April 18, 2001.

*As added by P.L.220-2011, SEC.548.*

### **IC 34-12-3-1**

#### **"Firearm"**

Sec. 1. As used in this chapter, "firearm" has the meaning set forth in IC 35-47-1-5.

*As added by P.L.19-2001, SEC.1.*

### **IC 34-12-3-2**

#### **"Person"**

Sec. 2. As used in this chapter, "person" has the meaning set forth in IC 35-31.5-2-234.

*As added by P.L.19-2001, SEC.1. Amended by P.L.114-2012, SEC.63.*

### **IC 34-12-3-3**

#### **Prohibited actions**

Sec. 3. Except as provided in section 5(1) or 5(2) of this chapter, a person may not bring an action against a firearms or ammunition manufacturer, trade association, or seller for:

(1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful:

- (A) design;
- (B) manufacture;
- (C) marketing; or
- (D) sale;

of a firearm or ammunition for a firearm; or

(2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

*As added by P.L.19-2001, SEC.1. Amended by P.L.80-2004, SEC.3.*

### **IC 34-12-3-4**

#### **Fees and costs awarded for groundless actions**

Sec. 4. If a court finds that a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter, the finding constitutes conclusive evidence that the action is groundless. If a court makes a finding under this section, the court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.

*As added by P.L.19-2001, SEC.1.*

**IC 34-12-3-5****Allowable actions**

Sec. 5. Nothing in this chapter may be construed to prohibit a person from bringing an action against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages for the following:

- (1) Breach of contract or warranty concerning firearms or ammunition purchased by a person.
- (2) Damage or harm to a person or to property owned or leased by a person caused by a defective firearm or ammunition.
- (3) Injunctive relief to enforce a valid statute, rule, or ordinance.

However, a person may not bring an action seeking injunctive relief if that action is barred under section 3 of this chapter.

*As added by P.L.19-2001, SEC.1. Amended by P.L.80-2004, SEC.4.*